

MINUTES
YORK COUNTY PLANNING COMMISSION

Regular Meeting
York Hall, 301 Main Street
January 12, 2005

MEMBERS

Nicholas F. Barba
John R. Davis
Alexander T. Hamilton
Frederick W. Harvell
Alfred E. Ptasznik, Jr.
Andrew A. Simasek
John W. Staton

CALL TO ORDER

Chair Andrew Simasek called the regular meeting to order at 7:00 p.m.

REMARKS

Chair Simasek stated that the Code of Virginia requires local governments to have a Planning Commission, the purpose of which is to advise the Board of Supervisors on land use and planning issues affecting the County. The responsibility is exercised through recommendations conveyed by resolutions or other official means and all are matters of public record. He indicated that the Commission is comprised of citizen volunteers, appointed by the Board, representing each voting district and two at-large members.

ROLL CALL

The roll was called and all members were present except Mr. Harvell. Staff members present were J. Mark Carter, James E. Barnett, Jr., Timothy C. Cross, Amy Parker, and Earl Anderson.

APPROVAL OF MINUTES

Mr. Hamilton moved adoption of the minutes of the regular meeting November 10, 2004. By roll call vote, they were adopted unanimously (Mr. Harvell absent).

CITIZEN COMMENTS

There were no citizen comments.

PUBLIC HEARINGS

Application No. UP- 652-05, Tidewater Development Company, LLC: Request for a Special Use Permit, pursuant to Section 24.1-466(h) of the York County Zoning Ordinance, to authorize a retail center of more than 80,000 square feet of gross floor

area located at 6690 Mooretown Road (Route 603) and a portion of 6500 Mooretown Road, further identified as Assessor's Parcel Nos. 2-19-B3 and 2-34.

Ms. Amy Parker, Senior Planner, summarized the memorandum to the Commission dated January 5, 2005, in which the staff recommended approval by adoption of proposed Resolution PC05-1(R). She noted the revision to proposed Condition No. 7, pertaining to the Watershed Management Protection (WMP) overlay district provisions of the Zoning Ordinance, which would permit a request for reduction of the required 200-foot stream buffer for perennial tributaries of Queen Creek. The Zoning Administrator recommended the amendment that would permit the applicant to reduce the buffer along the eastern boundary of the property from a 200-foot minimum down to 50 or 100 feet, based on information in 1998 subdivision files.

Ms. Parker noted receipt of two comments on the conditions of approval: The City of Williamsburg voiced support for the full buffers with no reduction and indicated they would voice concern at site plan review if the buffers were reduced; and Mr. Jackson Darst, an adjacent property owner, likewise opposed any buffer reduction.

Mr. A. T. Hamilton asked how the revision to the proposed Condition No. 7 came about. **Mr. Mark Carter**, Assistant County Administrator, explained that recent research revealed that the Department of Environmental and Development Services (EDS) subdivision files in 1998 indicated the potential for a buffer reduction request for the subject tributary.

Mr. Hamilton inquired if a vehicle cut-through could be located between Williamsburg Marketplace and Michael Commons, to which **Ms. Parker** replied the staff had received no such request. **Mr. Hamilton** inquired if another Special Use Permit would be required should the cut-through be requested, and **Ms. Parker** said it could be approved by the Zoning Administrator during the site plan review process in which case, she added, the applicant would be required to submit a traffic study.

Mr. Nick Barba remarked it appeared that the buffer on one of the Mooretown Road outparcels had been cleared. **Ms. Parker** could not confirm that, for she was not aware of the site plan approvals for the outparcels.

Mr. Hamilton asked if future development in and around the outparcels would require a SUP and **Ms. Parker** said a subdivision, for example, could be approved without further public hearing.

Mr. John Staton inquired about any overlay depicting the proximity of the tributary to the buffer. **Ms. Parker** said the applicant's plan did not show the tributary buffer. **Mr. Staton** asked how much of a reduction of the buffer is permitted and **Ms. Parker** indicated the reduction could range from 100 feet to 50 feet, depending on whether the tributary stream is deemed to be perennial or intermittent. There has not been a field check by the EDS staff, she added, to determine if it is perennial or intermittent.

Mr. John Davis noted the Chesapeake Bay Act requires a 100 foot buffer abutting a perennial stream and asked if the applicant is proffering the 200 foot buffer. **Ms. Parker** said - while it would have the same effect as a proffer - a recommended condition of approval is that the 200 foot buffer

from Queen Creek be maintained without disturbance. The amended condition would permit the tributary buffer to be reduced to 50 or 100 feet during site plan review depending on whether or not the stream was found to be perennial.

Mr. Simasek asked what would happen if the buffer cannot be reduced; **Ms. Parker** said in such case, the portion of the site shown at the rear of the building would have to be redesigned.

Mr. Carter added that the applicant must prove adequate water quality measures in order to get the buffer reduced. The analysis to support their claim would be available before site plan review, and equivalent water quality measures must be in place before a buffer reduction could be approved.

The Chair opened the public hearing.

Mr. Robert Brown, manager of Tidewater Development Co., LLC, said the proposed project has the potential of being one of the best shopping centers he has developed. His goal is to use dynamic anchors to draw the best mix of retailers. He acknowledged the architectural firm Freeman Morgan, and his long association with Mr. Al Sledd, manager of Vanesse Hangen Brustlin, Inc., civil engineers for the project. He expressed confidence his staff could address or resolve technical issues to the staff's satisfaction.

In response to questions by **Mr. Al Ptasznik**, **Mr. Brown** said other tenants and outparcel users are not yet identified because lease negotiations are not final. He expected a strong combination of users including retailers and restaurants – which Mr. Brown noted have been requested by the future Sentara hospital for its staff's daily use. He envisioned a regional center to serve up to 105,000 people in the upper County and Williamsburg areas. He said his company has no intention of selling the property, so it seeks the best tenant mix the marketplace will permit and anticipates improving the mix each time a space becomes available.

Mr. Simasek agreed, and hoped the applicant would keep that goal. The Chair then closed the public hearing.

Mr. Ptasznik said the proposed plan looks similar to Monticello Marketplace, which he admired, and thought the proposal was exciting for the area.

Mr. Barba agreed with Mr. Ptasznik and thought the center would be a great asset to that part of the County.

Mr. Hamilton moved adoption of proposed Resolution PC05-1(R).

PC05-1(R)

On motion of Mr. Hamilton, which carried 6:0 (Mr. Harvell absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE A RETAIL CENTER OF MORE THAN 80,000 SQUARE FEET OF GROSS FLOOR AREA AT 6500 (PORTION) AND 6690 MOORETOWN ROAD

WHEREAS, Tidewater Development Company, LLC has submitted Application No. UP-652-05, which requests a Special Use Permit, pursuant to Section 24.1-466(h) of the York County Zoning Ordinance, to authorize a retail center of more than 80,000 square feet of gross floor area located at 6500 (portion) and 6690 Mooretown Road (Route 603) and further identified as Assessor's Parcel Nos. 2-34 (portion) and 2-19-B3; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 12th day of January, 2005 that Application No. UP-652-05 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a retail center of more than 80,000 square feet of gross floor area subject to the following conditions:

1. This use permit shall authorize a retail center of more than 80,000 square feet of gross floor area located at 6500 (portion) and 6690 Mooretown Road (Route 603) and further identified as Assessor's Parcel Nos. 2-34 (portion) and 2-19-B3.
2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Development and Compliance prior to the commencement of any construction activities on the subject parcel. Except as modified herein, said site plan shall be in substantial conformance with the plan titled "Williamsburg Marketcenter, Mooretown Road and State Route 199, York County, Virginia, Special Use Permit Conceptual Plan," prepared by VHB, dated November 30, 2004, and received by the Planning Division on January 4, 2005, and building elevation titled "Williamsburg Marketcenter," prepared by Freeman Morgan Architects, received by the Planning Division November 1, 2004.
3. Freestanding identification signage for the retail center (exclusive of outparcels) shall be limited to a single monument sign. Fascia materials used on the sign shall match that of the proposed building façade.
4. Free standing and building lighting shall be full cut-off fixtures that are shielded and directed downward to prevent off-site illumination. Illumination levels shall not exceed 0.5 foot candle at any exterior property line. All lighting schemes and lighting fixtures shall be consistent with the lighting recommended by the Illumination Engineering Society of North America (IESNA). A lighting plan indicating manufacturer's specifications for all fixtures and illumination levels for the development site shall be submitted for review and approval at time of application for site plan approval.
5. The applicant shall be responsible for the construction of a County approved gravity sewer system and associated pumping station to serve the retail center if deemed necessary by the Environmental and Development Services Chief of Utilities.

6. To accomplish screening of the parking lot, a minimum 10-foot wide planting area shall be installed along the northeastern border of the proposed outparcels on the retail center parcel. Plantings shall meet minimum ratios for side yards as specified in Section 24.1-242(h), and shall consist of a minimum of 50% evergreen shrubs with remaining plantings to be a mix of evergreen and deciduous trees. These planting areas shall not be located within any vehicular access/egress easements. Any plantings removed for future access to outparcels shall be replaced or relocated within the remaining areas of these planting beds.
7. Notwithstanding provisions of Section 24.1-376(e)(2) of the County Zoning Ordinance, there shall be no reduction of the 200-foot watershed management and protection stream buffer associated with Queen Creek. Reduction of the normally applicable 200-foot buffer along the tributary stream forming the eastern boundary of the property (and downstream of the stormwater management pond) shall be permitted in accordance with all applicable provisions of Section 24.1-376(e)(2) provided that all runoff from the subject site is directed to this or another properly designed stormwater management facility.
8. Rooftop HVAC, electrical and similar utilities shall be screened from view of Mooretown Road.
9. The proposed access to the site shown between outparcel #5 and #6 on the conceptual plan referenced above is not approved pursuant to this Special Use Permit. Such access may be approved in conjunction with site plan approval if, satisfactory to the Plan Approving Agent, the Zoning Administrator and the Virginia Department of Transportation, adequate justification is provided establishing a need for the access as a matter of public safety and addressing the criteria set forth in Section 24.1-252(3)(b) of the Zoning Ordinance.
10. The proposed "potential future outparcel" shown at the southern corner of the site is not associated with this application, and approval of this Special Use Permit does not imply current or future approval of the subdivision.
11. The applicant shall make available direct access between the retail center parking lot and future outparcels as may be subdivided in the area labeled "outparcels #4, #5, #6 and #7 on the conceptual plan referenced above. An access/egress easement shall be established parallel to the northeastern border of these outparcels at time of their subdivision approval.
12. A joint access/egress easement as shown on the conceptual plan referenced above between the Home Depot parcel (Assessor's Parcel No. 2-19-B1) and the subject site shall be established at time of site plan approval. Location and design of such easement shall be subject to the approval of the Plan Approving Agent.
13. Any required landscaping installed on the Home Depot parcel removed for redevelopment of the joint access area referenced in Condition #13 above shall be relocated or replaced on the Home Depot parcel in the immediate area of the easement or in such other location determined appropriate by the Plan Approving Agent.
14. At the time of subdivision approval, a restricted access easement satisfactory to the Plan Approving Agent shall be established parallel to Mooretown Road across the entire frontage of the parcels subject to this Special Use Permit identified as Assessor's Parcel Nos. 2-19-B3 and 2-34 (portion).

15. Calculation of minimum required parking spaces shall be exclusive of spaces utilized for cart storage uses.
16. In accordance with the provisions of Section 24.1-115(d) of the Zoning Ordinance, significant modifications to this approval as determined by the Zoning Administrator shall require that a new use permit application be submitted for review. Modifications can be administratively approved if the Zoning Administrator determines the modification to be minor.
17. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

Application No. UP-654-05, Apple Door Systems: Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 15, No. 4b) of the York County Zoning Ordinance, to authorize a contractor's shop with outdoor storage. The property is located at 1625 Merrimac Trail (Route 143) and is further identified as Assessor's Parcel No. 15-10-3.

Mr. Earl Anderson, Planner, gave the staff report as presented in a memorandum to the Commission dated December 29, 2004, in which the staff recommended approval.

Mr. Barba inquired if the applicant planned to include truck storage.

Chair Simasek opened the public hearing.

Mr. Robert Heath, 2905 Robert Hunt South, Williamsburg, spoke in behalf of his application. He proposed to store commercial and industrial garage and overhead doors inside the warehouse and the outdoor storage would be for overflow inventory only. He said his business has been very successful and has outgrown its current facility. He showed photographs of the garage door materials to the members. **Mr. Heath** added that no outdoor storage would be taller than six feet and some would be covered with tarpaulins. He said on-site storage would not be used for larger jobs, in which cases the doors are shipped from his vendors to the job sites. He said in other instances, the doors would be loaded onto a one-ton truck at his facility and transported to the job sites, usually the morning of the job.

Mr. Staton remarked on the excellent location for this facility.

Mr. Simasek asked if the storage yard could be seen from outside the fenced area. **Mr. Anderson** replied that some residents of Carver Gardens could possibly see inside the area from their higher elevation, but otherwise there would be no public view into the storage yard unless the gate was open.

Mr. Heath believed his proposal represented a good use of the property and he intended to add landscaping and clean the retention pond to enhance the appearance of the property.

Hearing no others who wished to speak, **Chair Simasek** closed the public hearing.

Mr. Hamilton suggested it might be advisable to add two feet to the height of the fence.

Mr. Ptasznik said the application represented a good opportunity to clean up the area and he believed it would be a good addition to that corridor.

Mr. Barba commended the applicant for his plans to improve the appearance of the property.

Mr. Ptasznik moved to adopt proposed Resolution No. PC05-2.

PC05-2

On motion of Mr. Ptasznik, which carried 6:0 (Mr. Harvell absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT
TO AUTHORIZE AN OUTDOOR STORAGE YARD ASSOCIATED WITH A
CONTRACTOR'S SHOP AT 1625 MERRIMAC TRAIL

WHEREAS, Apple Door Systems has submitted Application No. UP-654-05, which requests a Special Use Permit, pursuant to Section 24.1-306 (Category 15, No. 4b) of the York County Zoning Ordinance to authorize a 1,500 square foot outdoor storage yard associated with a contractor's shop on a 0.69-acre parcel of land located at 1625 Merrimac Trail (Route 143) and further identified as Assessor's Parcel No. 15-10-3; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 12th day of January, 2005 the Application No. UP-654-05 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize 1,500 square feet of outdoor storage yard associated with a contractor's shop on a 0.69-acre parcel of land located at 1625 Merrimac Trail (Route 143) and further identified as Assessor's Parcel No. 15-10-3, subject to the following conditions:

1. This use permit shall authorize approximately 1,500 square feet of outdoor storage yard associated with a contractor's shop on a 0.69-acre parcel of land located at 1625 Merrimac Trail (Route 143) and further identified as Assessor's Parcel No. 15-10-3.
2. The outside storage area shall be located within the rear yard of the parcel and screened with six-foot high opaque fence constructed of materials as approved by the Zoning Administrator. Until such time as the adjacent mini-storage warehouse building is removed, no additional fencing or landscaping shall be required along the northern and eastern property lines. At such time as the

building is demolished, a six-foot high opaque fence with additional landscape plant screening pursuant to Section 24.1-486 shall be installed with a planting spacing of no more than 10 (ten) feet on center.

3. Off-street parking shall be provided in accordance with the Zoning Ordinance, *Article VI. Off-Street Parking and Loading*. All parking spaces in the rear shall be defined to separate the spaces from the outdoor storage area.
4. The rolling gate shall remain closed at all times except when employee or delivery vehicle traffic would prevent closure.
5. Existing trees and shrubs on the property shall be maintained to the maximum extent possible. Existing landscaping at the front building perimeter and fencing shall not be removed except with permission from the Zoning Administrator and only if replaced with landscaped plantings approved by the Zoning Administrator.
6. Existing plantings within the front yard area shall be supplemented with a mix of evergreen and deciduous shrubs meeting the requirements of Zoning Ordinance Section 24.1-242 (h).
7. Contractor's equipment and materials (excluding vehicles) kept within the storage area shall not exceed the height of the surrounding fencing.
8. In accordance with the Building Officials Code of America; National Fire Prevention Code, contractor's materials stored outside shall not be stored closer than 15 feet from any lot line or building on the property.
9. Materials stored outside on the property shall be limited to those associated with a garage and custom door sales and installation contractor's business, and shall not include junk, solid waste, construction debris or hazardous waste as defined in Chapter 19, Section 19.1 and/or Chapter 24, Section 24.1-104 of the County Code. In addition, the storage yard shall comply with the performance standards under Section 24.1-486.
10. Vehicles stored on the property shall be limited to light-duty cars, trucks and vans associated with the garage and custom door sales and installation contractor's business, and shall not include heavy construction equipment or vehicles.
11. All site lighting shall be designed with full cutoff fixtures and directed downward to prevent off-site glare on to abutting properties and the road right-of-way. Illumination levels shall not exceed 0.5 foot-candle at any property line. All lighting fixtures shall be consistent with the lighting recommended by the Illumination Engineering Society of North America (IESNA). Freestanding lighting fixtures shall be fitted with high-pressure sodium lamps.
12. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

Application No. UP-655-05, FF Acquisition, LLC: Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 12, No. 2) of the York County Zoning

Ordinance, to authorize the establishment of a four-pump (8 fueling station) automobile fuel dispensing facility as part of an existing shopping center on a 7.34-acre parcel of land located at 455A Merrimac Trail (Route 143) approximately 350 feet north of the intersection of Merrimac Trail and Second Street (Route 162). The proposed gas pumps would be accessory to the existing Farm Fresh grocery store. The property, further identified as Assessor's Parcel No. 10-5-2, is zoned GB (General Business) and is designated for General Business development in the Comprehensive Plan.

Timothy C. Cross, AICP, Principal Planner, summarized the staff report to the Commission dated December 29, 2004, in which the staff recommended approval.

Mr. Barba inquired if the proposed gasoline tanks would have to be removed if Farm Fresh suspended the gasoline sales operation while the grocery store continued to operate, and **Mr. Cross** confirmed that to be the case.

Chair Simasek opened the public hearing.

Thomas C. Kleine, Esq., Troutman Sanders Attorneys, 808 Denham Arch, Chesapeake, Virginia, represented the applicant. **Mr. Kleine** said he has worked closely with County staff to develop the proposal. He said the portion of the present parking lot that is recommended for gasoline sales is not heavily utilized. He anticipated no adverse impact on traffic flow in the vicinity, and said all abutting property owners were notified and none have expressed concerns. **Mr. Kleine** is working with staff to upgrade the existing pylon sign. Proposed amenities include high quality exterior and interior materials with the exterior of the attendant's building the same brick as the renovated portion of the Farm Fresh building; opportunity for Farm Fresh customers to purchase gasoline at reduced prices; and improved circulation in the parking lot.

Mr. Ptasznik inquired about minimum distance required between the gasoline pumps and the main store, and **Mr. Kleine** said that is governed by County setback requirements and will be observed.

Mr. Davis complimented the applicants on the quality of the proposed attendant's building. He asked if Commonwealth Associates was a partner to this application, to which **Mr. Kleine** explained it was not, that FF Acquisition, L.L.C. is involved in the acquisition and operation of Farm Fresh stores.

Mr. Davis asked if the applicant had considered installing an emergency generator in case of power outages, to which **Mr. Kleine** said that has not been contemplated nor was it included during the period of Farm Fresh's leasing of the site, but was not out of the question if required. **Mr. Simasek** noted there is a Citgo station nearby with a generator.

Mr. Simasek wondered if the parking was adequate. Because of heavy traffic and a parking lot divided by the access road, parking can be very inconvenient at the existing Farm Fresh store, he added.

Mr. Michael Perry, 317 Constance Drive, Chesapeake, engineer for the project, said he was currently involved in plans to improve traffic circulation in front of the Farm Fresh store, including possibly re-striping some spaces behind the building to allow for employee parking, thus freeing up some spaces in front. He explained he is involved only with the Farm Fresh part of the building, not the entire shopping center.

Mr. Simasek asked if Farm Fresh has gasoline pumps at any of its other locations. **Mr. Kleine** replied that Farm Fresh sells gasoline to its customers at locations in Chesapeake and Virginia Beach.

Mr. Simasek saluted Farm Fresh for the proposed improvements and hoped the shopping center would follow suit.

Mr. Ptasznik reported he had heard comments about inadequate parking at the retail center.

Mr. Kleine responded that despite the loss of parking spaces due to expansion, the improvements should still result in a greater number of parking spaces for the entire lot than the County requires. **Mr. Kleine** anticipated some temporary disruption to the traffic flow during renovation, but reconfiguring the parking field should improve overall traffic flow in the parking lot.

Chair Simasek closed the public hearing.

Mr. Barba moved the adoption of proposed Resolution PC05-3.

PC05-3

On motion of Mr. Barba, which carried 6:0 (Mr. Harvell absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A FOUR-PUMP AUTOMOBILE FUEL DISPENSING FACILITY AS PART OF THE FARM FRESH SHOPPING CENTER LOCATED AT 455A MERRIMAC TRAIL (ROUTE 143)

WHEREAS, FF Acquisition, L.L.C. has submitted Application No. UP-655-05, which requests a Special Use Permit, pursuant to Section 24.1-306 (Category 12, No. 2) of the York County Zoning Ordinance, to authorize the establishment of a four-pump (8 fueling station) automobile fuel dispensing facility as part of an existing shopping center on a 7.34-acre parcel of land located at 455A Merrimac Trail (Route 143) approximately 350 feet north of the intersection of Merrimac Trail and Second Street (Route 162) and further identified as Assessor's Parcel No. 10-5-2; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 12th day of January, 2005 that Application No. UP-655-05 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize the establishment of a four-pump (8 fueling station) automobile fuel dispensing facility as part of an existing shopping center on a 7.34-acre parcel of land located at 455A Merrimac Trail (Route 143) approximately 350 feet north of the intersection of Merrimac Trail and Second Street (Route 162) and further identified as Assessor's Parcel No. 10-5-2 subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a four-pump (8 fueling station) automobile fuel dispensing facility as part of an existing shopping center on a 7.34-acre parcel of land located at 455A Merrimac Trail (Route 143) approximately 350 feet north of the intersection of Merrimac Trail and Second Street (Route 162) and further identified as Assessor's Parcel No. 10-5-2.
2. A site plan prepared in accordance with the provisions set forth in Article V of the Zoning Ordinance shall be submitted to and approved by the Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of any construction activities on the site. Said site plan shall be in substantial conformance with the plan titled "Conceptual Site Layout & Landscape Plan of Farm Fresh #321 Gas Pumps," prepared by MSA, P.C. and dated December 1, 2004.
3. The automobile fuel dispensing facility shall comply with the performance standards set forth in Sections 24.1-475, *Standards for all motor vehicle and transportation related uses*, and 24.1-477, *Standards for auto fuel dispensing establishments, service station and auto repair garages*, of the Zoning Ordinance.
4. No construction activity or parking lot modifications that would reduce the number of parking spaces below the minimum number required for the shopping center, as set forth in Section 24.1-606 of the Zoning Ordinance, shall be permitted.
5. An employee shall be present on-site at all times while the gas pump facility is in operation and open for business.
6. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Consider Revised Planning Commission Schedule for 2005

Mr. Barba moved adoption of proposed Resolution PC05-4.

PC05-4

On motion of Mr. Barba, which carried 6:0 (Mr. Harvell absent), the following resolution was adopted:

A RESOLUTION TO ADOPT A REVISED PLANNING COMMISSION
SCHEDULE FOR 2005

WHEREAS, the Planning Commission is required by Section 15.2-2214 of the Code of Virginia to fix the time for regular meetings; and

WHEREAS, the Commission designates the second Wednesday of every month as its regular meeting date; and

WHEREAS, the Commission desires that all matters to come before it are scheduled in an orderly and consistent manner; and

WHEREAS, the adopted Planning Commission Schedule contains the dates for advertising and meetings of the Planning Commission and the Board of Supervisors; and

WHEREAS, on January 4, 2005, the Board of Supervisors resolved to routinely conduct public hearings at its second meeting of each month; and

WHEREAS, the Board of Supervisors resolved to call such meetings to order at 6:00 PM and commence public hearings at 7:00 PM;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this 12th day of January, 2005, that it does hereby adopt a revised Planning Commission Schedule 2005 as its official meeting calendar.

PLANNING COMMISSION SCHEDULE - REVISED January 1 - December 31, 2005				
PLANNING COMMISSION			BOARD OF SUPERVISORS	
<i>PC Meeting 2005</i>	<i>Deadline</i>	<i>Advertise PC</i>	<i>Probable BOS Meeting 2005</i>	<i>Advertise BOS</i>
Jan 12	Dec 1, 2004	Dec 28 ³ & Jan 4	Feb 15	Jan 31 & Feb 7
Feb 9	Jan 4	Jan 25 & Feb 1	Mar 15	Feb 28 & Mar 7
Mar 9	Feb 1	Feb 22 & Mar 1	Apr 19	Apr 4 & 11
Apr 13	Mar 1	Mar 29 & Apr 5	May 17	May 2 & 9
May 11	Apr 1	Apr 26 & May 3	Jun 21	Jun 6 & 13
Jun 8	May 2	May 24 & 31	Jul 19	Jul 4 ³ & 11
Jul 13	Jun 1	Jun 28 & Jul 5	Aug 16	Aug 1 & 8
Aug 10	Jul 1	Jul 26 & Aug 2	Sept 20	Sep 5 ³ & 12
Sep 14	Aug 1	Aug 30 & Sep 6	Oct 18	Oct 3 & Oct 10
Oct 12	Sep 1	Sep 27 & Oct 4	Nov 15	Oct 31 & Nov 7
Nov 9	Oct 3	Oct 25 & Nov 1	Dec 20	Dec 5 & 12
Dec 14	Nov 1	Nov 29 & Dec 6	Jan 17, 2006	Jan 2 ³ & 9, 2006
Jan 11, 2006	Dec 1	Dec 27 ³ & Jan 3	Feb 21	Feb 6 & 13

STAFF REPORTS

Mr. Carter reported on recent actions by the Board. He also noted the revised Planning Commission schedule adopted by Resolution PC05-4 addresses the action taken by the Board in January to conduct all but the most urgent public hearings at the second meeting each month, and all meetings to begin at 6:00 PM with public hearings to commence at 7:00 PM.

COMMITTEE REPORTS

Mr. Nick Barba reported on the progress of the Route 17 Revitalization Program Review Committee. He noted some improvements that are underway, including Charlene Courts, which is installing siding on its units and plans to pave its parking area; and Dominion Floor Covering has moved to the former Charlton Building, opening up its former building for a potential new business in the County. Mr. Barba advised that applications for other enhancement grants are under consideration by the Committee at this time.

Mr. Barba, Chairman of the Comprehensive Plan Review Steering Committee, reported that the next meetings would take place January 24 and 31 to consider elements of the Plan and discuss the citizen telephone survey that starts this month.

Mr. Simasek reported on the November meeting of the Regional Issues Committee, which is currently discussing widening of Interstate 64, open space protection, regional bus service, and a Historic Triangle steering committee. He asked the members to advise him or Mr. Carter of any issues that might be appropriate for discussion among the three member localities.

Mr. Ptasznik reported on the recent Virginia Citizens Planning Association Board meeting. Budget cuts have resulted in several programs being eliminated or reduced, but the Planning Commission certification programs will remain. The Board agreed on a new name for the group to reflect its purpose, Citizens Planning Education Association of Virginia. It awaits final approval of its non-profit status, upon which approval it can accept grants from county governments, institutions, consulting firms, and others that work with local Planning. The group hopes to expand training opportunities for staff, boards and commissions, and Mr. Ptasznik trusts York County will take advantage of any interesting opportunities.

COMMISSION REPORTS AND REQUESTS

Mr. Simasek raised the prospect of approving accessory apartments administratively, and Mr. Carter said the staff would look into possible ways to streamline the approval process for accessory apartments.

ADJOURN

The meeting was adjourned at 8:37 p.m.

SUBMITTED: _____
Phyllis P. Liscum, Secretary

APPROVED: _____
Andrew A. Simasek, Chair

DATE: _____
